APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,240	12/20/1999	KENNETH C. PILECEK	PILECEK-1	2117

7590 10/05/2004		EXAMINER
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ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-269* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-269* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *12/20/99*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 87-269 are rejected under 35 U.S.C. 101 because the claimed invention is directed

program code, which is not statutory subject matter. See MPEP 2601.1.a dealing with

descriptive material.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or
expressions of the programs, are not physical "things." They are neither computer components
nor statutory processes, as they are not "acts" being performed. Such claimed computer
programs do not define any structural and functional interrelationships between the computer
program and other claimed elements of a computer, which permit the computer program's
functionality to be realized. In contrast, a claimed computer-readable medium encoded with a
computer program is a computer element, which defines structural and functional
interrelationships between the computer program and the rest of the computer which permit the
computer program's functionality to be realized, and is thus statutory. Accordingly, it is
important to distinguish claims that define descriptive material per se from claims that define
statutory inventions.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

3.   Claims 1-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Halverson et al.

(U.S. Patent No. 6742021).

- With respect to claims 1, 6, 31, 35-46, 63, 71-74, 77-80 and 82-86, Halverson teaches a

method for linking at least one client (102) with at least one expert (e.g. Fig. 1a) comprising:

generating at least one concept based on at least one client inquiry to at least one

datasource (300 in Fig. 3);

comparing the at least one generated concept to at least one expert datasource (404 in Fig.

4);

selecting at least one expert from the at least one expert datasource based on the

comparison of the generated concept to the at least one expert datasource (408-409 in Fig. 4);

and

linking the at least one expert to at least one client (410 in Fig. 4).

- With respect claim 2, Halverson further comprises comparing the at least one client

inquiry to the at least one datasource (404-405 in Fig. 4).

- With respect to claims 3 and 7, Halverson teaches selecting at least one preferred

communication mode associated with the at least one expert (e.g. the system in Fig. 6).

- With respect to claim 4, Halverson also teaches selecting the at least one expert based on a set of availability rules (col. 13, lines 11-13).

- With respect to claim 5, Halverson discloses wherein the availability rules comprise rules selected from the group consisting of a most currently available expert, a most easily reachable expert, cost and location (col. 5, lines 43-53).

- With respect to claims 8 and 19, Halverson discloses wherein the at least one client device comprises a computer terminal (Fig. 6).

- With respect to claims 9, 20, & 67, Halverson discloses wherein the at least one client device comprises a wireless device (Fig. 2).

- With respect to claims 10 & 21, Halverson teaches wherein the wireless device comprises an infrared wireless device (col. 3, lines 56).

- With respect to claims 11 & 22, Halverson discloses wherein the wireless device comprises an optical signaling, wireless device (col. 4, lines 41).

- With respect to claims 12 & 23, Halverson also teaches wherein the at least one client device comprises a telephone (Fig. 6).

- With respect to claims 13 & 24, Halverson teaches wherein the at least one client device comprises a softphone (Fig. 6).

- With respect to claims 14 & 25, Halverson teaches wherein the at least one client device comprises a facsimile machine (Fig. 6).

- With respect to claims 15 & 26, Halverson teaches wherein the at least one client device comprises a facsimile server (Fig. 6).

- With respect to claims 16 & 27, Halverson disclose wherein the at least one client

device comprises a programmable PC card (Fig. 6).

- With respect to claims 17 & 28, Halverson further teaches wherein the at least one

client device comprises a personal communications device (Fig. 6).

- With respect to claims 18 & 29, Halverson discloses wherein the personal

communications device comprises a communications pager adapted to display alpha-numeric

characters (Fig. 6).

- With respect to claim 30, Halverson teaches wherein generating the at least one client

concept comprises parallel processing (e.g. Fig. 2 shows multiple users are processed).

- With respect to claim 32, Halverson also teaches wherein generating at least one

concept comprises neural network processing (e.g. the language).

- With respect to claims 33 & 34, Halverson further teaches wherein the at least one

datasource comprises structured or/and unstructured data (e.g. the source in Fig. 6 has data and

voice).

- With respect to claims 47 & 55, Halverson teaches wherein the telephony protocol

comprises a protocol selected from the group consisting of POTS, ISDN, voice over Internet,

ATM, frame relay, an analog protocol and a digital protocol (Fig. 6 shows the Internet protocol).

- With respect to claims 48 & 69, Halverson discloses wherein the analog protocol

comprises a time domain multiplexed protocol (e.g. the time schedule of VCR in col. 14, line

54).

- With respect to claim 49, Halverson explicitly fails to teach wherein the digital protocol comprises a DCIU protocol, but it is inherently to know that the DCIU can be implement into Halverson's invention for communication between client and server.

- With respect to claim 50, Halverson further comprises linking the at least one client device to the at least one expert device using an electronic mail protocol (e.g. Fig. 6 show fax).

- With respect to claims 51-54, 56-57, 59, 61, 62, 64, 66, & 68, Halverson explicitly fails to teach wherein the electronic mail protocol comprises a protocol selected from the group consisting of SMTP, SMTPNIME, SMTP/PMSP, and SNMP; a protocol determined by an Open Systems Interconnect electronic messaging CCITT X.400/500/700 standard, but it is inherently to know that the electronic mail protocol of Halverson comprise a protocol from above for communication between client and server.

- With respect to claim 58, Halverson further comprises linking the at least one client device to the at least one expert device using a facsimile protocol (Fig. 6).

- With respect to claim 60, Halverson teaches wherein the facsimile protocol comprises an Internet mail protocol (Fig. 6).

- With respect to claim 65, Halverson discloses wherein the data communications protocol comprises a modem protocol (Fig. 6).

- With respect to claims 70, 75-76, & 81, Halverson teaches wherein the at least one datasource and at least one expert datasource are part of the same/different network (Fig. 6).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172.

The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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P.t
9/29/04

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PRIMARY EXAMINER